REMARKS

Claims 1, 3, 6, 9-17, 20-22, 24, 25, 36-39, 52-56, 58, 59 and 69-88 are pending, of which Claims 69-88 are withdrawn from consideration.

Claims 1, 3, 6, 9-11, 24, 25, 52, 53, 58 and 59 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Leschinsky (US 6,827,730) in view of Park et al (US 6,645,239) and Lenker et al (U.S. 6,126,685).

This rejection should be withdrawn because Leschinsky, Park et al and Lenker et al do not disclose or render obvious the presently claimed delivery system, either alone or in combination.

Present Claim 1 relates to a delivery system for delivery and deployment of a self expanding stent to a desired vascular location of a patient, the system comprising:

a stent, the stent having a proximal end and a distal end;

a catheter shaft having a proximal end and a distal end, the distal end of the shaft defining a reception space for receiving the stent, the stent having a reduced diameter delivery configuration;

an inner core having a proximal end and a distal end and a length, the stent disposed radially about the distal end of the inner core;

an outer core, the outer core having a proximal end and a distal end and a length, the outer core disposed radially about and affixed to the inner core, wherein the length of the outer core is less than the length of the inner core, the distal end of the outer core engagable with the proximal end of the stent;

an operator handle for movement of the catheter shaft relative to the inner core and the outer core to deploy the self expanding stent;

a stabiliser component having a distal end and a proximal end, the distal end being disposed proximally to the stent;

the inner core and outer core being fixed to the stabiliser component.

Leschinsky is cited as teaching a stent deployment catheter comprising a catheter body **10**, a tip **50**, an inner tube **40**, a stent **30** and a plunger **20** (Fig. 3 shown below and col. 4, lines 17-22).

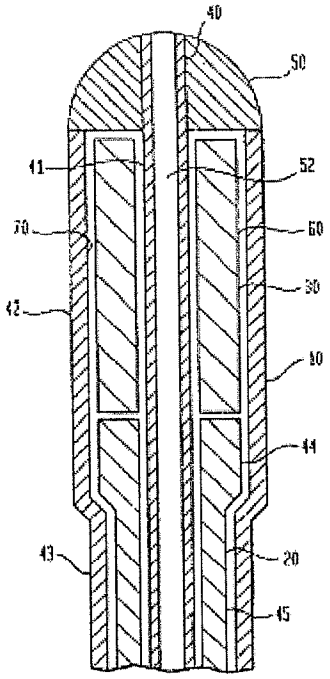

Fig. 3 of Leschinsky

The Examiner acknowledges that Leschinsky does not teach that the outer core (20) is affixed to the inner core (40).

Park et al is cited as teaching a stent delivery system shown below (Fig. 3). Park et al teaches that an insert tube **20** is movably received within the outside tube **13** and is connected to the front end of a movable tube **15**, thereby being axially movable within the outside tube **13**.

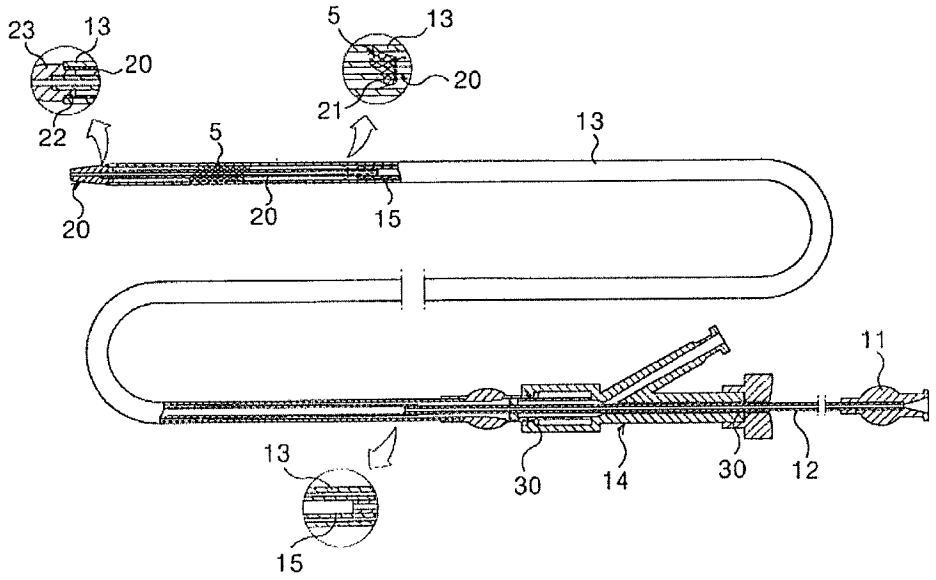

Fig. 3 of Park et al

The Examiner states that Leschinsky discloses a "stabilizer component" **57** having a distal end and a proximal end, the distal end being disposed proximally to the stent (Fig. 5 shown below).

FIG. 5

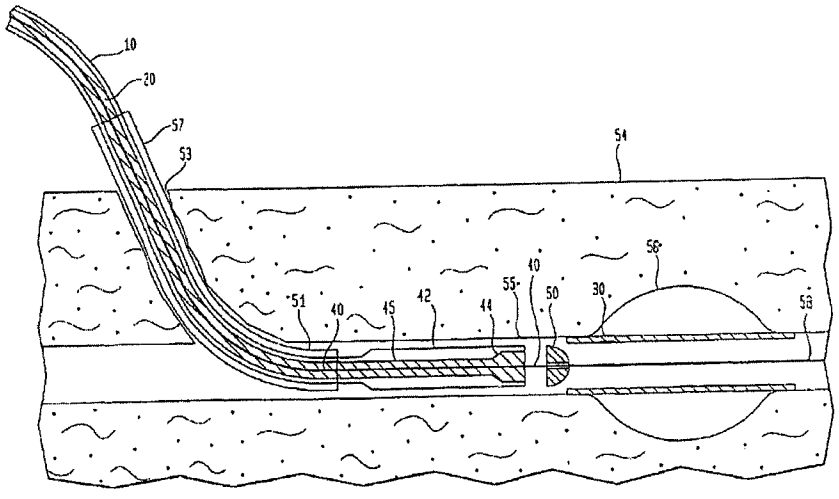

Fig. 5 of Leschinsky

The Examiner acknowledges that Leschinsky fails to disclose that the inner core and outer core are fixed to the stabilizer component.

Lenker et al is cited as assertedly teaching that an catheter core should be attached to a stabilizer in order to hold the core stationary while a catheter shaft is moved, which, per the Examiner, is evident from Figs. 3-6 of Lenker et al.

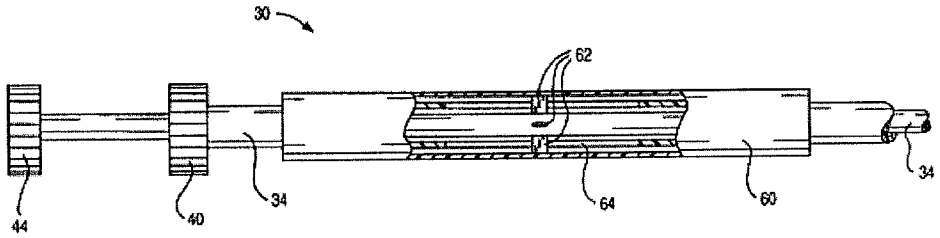

FIG. 6

Fig. 6 of Lenker et al

The Examiner considers that it would have been obvious to have fixed the inner and outer cores of Leschinsky's device (as modified by Park et al) to the stabilizer in order to hold the cores stationary while the catheter shaft is moved in view of the teaching of Lenker et al.

Applicants respectfully disagree.

Leschinsky's "stabilizer component" **57** is an introducer sheath (col. 4, lines 45-51). Leschinsky teaches that the delivery sheath portion **42** of the catheter is inserted before the introducer sheath **57** (col. 4, lines 48-51). Leschinsky further teaches that upon proper positioning of the tip **50** in the blood vessel **55**, the plunger **20** is held in place while the catheter body **10** is pulled back away from the tip **50** exposing the entire stent **30** to blood. The stent **30** expands such that the diameter of the stent is larger than the outer diameter of the tip **50**. Next, the inner tube **40** is pulled away from the stent **30** such that the tip **50** passes through the stent

lumen. Finally, the introducer sheath **57** and then deployment catheter is removed (col. 5, lines 3-19).

That is, Leschinsky clearly teaches that the introducer sheath **57** (considered to read on the claimed stabilizer component by the Examiner) moves independently and separately from the inner tube **40** (considered to read on the claimed inner core by the Examiner) and the plunger **20** (considered to read on the claimed outer core by the Examiner).

If Leschinsky's introducer sheath **57** was fixed to the inner tube **40** and the plunger **20**, Leschinsky's device would have been rendered unsatisfactory and unsuitable for its intended purpose; relevant law holds that if a proposed modification would render a prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Accordingly, the present claims are not obvious and are patentable over Leschinsky, Park et al and Lenker et al, either alone or in combination.

In view of the above, reconsideration and withdrawal of the §103(a) rejection of Claims 1, 3, 6, 9-11, 24, 25, 52, 53, 58 and 59 based on Leschinsky in view of Park et al and Lenker et al are respectfully requested.

Claims 12-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Leschinsky in view of Park et al and Lenker et al, and in further view of Healy et al (EP 1095634).

Claims 20-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Leschinsky in view of Park et al and Lenker et al, and further in view of Blaeser et al (U.S. 6,168,617).

Claims 36 and 54-55 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Leschinsky in view of Park et al and Lenker et al, and further in view of Burns (U.S. 5,032,113).

Claims 37-39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Leschinsky in view of Park et al and Lenker et al, further in view Lenker et al (U.S. 5,683,451).

Claim 56 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Leschinsky in view of Park et al and Lenker et al, and further in view of Harvey et al (U.S. 4,607,868).

Applicants submit that all the above §103(a) rejections should be withdrawn for at least the same reasons that the rejection of Claims 1, 3, 6, 9-11, 24, 25, 52, 53, 58 and 59 based on Leschinsky in view of Park et al and Lenker et al should be withdrawn, as discussed above. All the secondary references do not make up for the deficiencies of Leschinsky, Park et al and Lenker et al.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

Hui C. Wauters
Registration No. 57,426

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/80928

80928
CUSTOMER NUMBER

Date: February 12, 2010